

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CORNELL ANTHONY WHITE,

Defendant.

ORDER
06-CR-30S

1. On January 24, 2006, the Grand Jury for the Western District of New York returned an Indictment charging Defendant Cornell Anthony White with being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). This Court thereafter referred this case to the Honorable Leslie G. Foschio, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

2. On February 27, 2006, Defendant filed an omnibus motion seeking, among other things, to suppress weapons seized during the execution of the search warrant as well as statements he made to the officer present. Judge Foschio conducted an evidentiary hearing on the suppression issue on April 6, 2006.

3. On December 20, 2006, Judge Foschio filed a Report and Recommendation, recommending that Defendant's Motion to Suppress be denied.

4. On December 28, 2006, Defendant filed timely Objections to Judge Foschio's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). After full briefing on the Objections, this Court heard oral argument on February 15, 2007, and reserved decision at that time.

5. This Court has thoroughly reviewed *de novo* Judge Foschio's Report and Recommendation, the hearing transcript, Defendant's Objections, the arguments of

counsel and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Foschio's Report and Recommendation. Accordingly, Defendant's Objections are denied, and this Court will accept Judge Foschio's Report and Recommendation in its entirety.

IT HEREBY IS ORDERED, that this Court ADOPTS Judge Foschio's December 20, 2006 Report and Recommendation (Docket No. 21) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Objections (Docket No. 22) are DENIED.

FURTHER, that Defendant's Motion to Suppress (Docket No. 12) is DENIED.

SO ORDERED.

Dated: March 7, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge